

PUBLIC SERVICE CO. IN BAD WAY

Franchise Is Expended and Bond Is Forfeited According to Official Records.

Held up somewhere in the pouch which contains the matter sent from the city council to the committee on municipal laws of that body is a communication from the Salt Lake Public Service company asking that the franchise of that company be extended for a year. So far as the records show, no action was ever taken by the municipal laws committee, of which Councilman Thomas R. Black is chairman.

In the meantime, while the city council committee thus slighted the company, the two franchisees, apparently, have lapsed and the company is in a position to forfeit a bond of \$25,000 given for the carrying out of its franchise for supplying light, heat and power to citizens.

The Salt Lake Public Service company has two franchises. The first was granted to Manley & Curtis and was approved by the mayor May 22, 1908. This was to expire Oct. 1, 1908. A certain amount of work was not done by that time. The other franchise was granted by the council, and approved by the mayor Oct. 1, 1907. Under this, four miles of steam service mains were to be completed prior to Oct. 1, 1908.

None of these mains were laid and should the city enforce the agreement the company will forfeit the amount of its bond of \$25,000.

There have been many and various changes in the personnel of the official family of the company. A very considerable amount of work was done when the company first started out. A tall white chimney on the west side stands as a monument to the company's early energy which soon expended itself.

At the office of the Public Service company yesterday it was stated that J. J. Chambers, who is supposed to be in charge of the company's affairs, was out of the city. The man in the office, when asked for a statement regarding the company's affairs, had nothing to say.

MILLAN SAYS WIFE HAS ABUNDANT MEANS

Declares He Was Driven to Desertion by Vicious and Improper Conduct.

Daniel MacMillan says that his wife, Mary Jane, who seeks to divorce him, has rendered his life miserable for twenty years. She alleged abandonment and non-support, but in his answer, filed yesterday, he asserts that she has abundant means of her own, while he is a poor man and unable financially to give her full support. He admits that he left her Jan. 28, 1908, but charges that he was driven to this by vicious and improper conduct on her part.

He is in the real estate business in Salt Lake, but says that he is not earning any more than enough to pay the running expenses of the business and maintain himself in a "plain and modern manner."

His wife has, he says, money and property in her own right and under her own control sufficient for her support. Further, he says, she is a woman in good health, capable of earning a livelihood for herself, even if she had not the means which he is informed she has. He denies all her other allegations, and asks for dismissal of her action.

The MacMillans were married June 20, 1889, at Sumner, Idaho. They moved to Salt Lake City in 1891. She filed suit Dec. 21, 1908, charging non-support, and asking for \$50 a month permanent alimony.

ELDRIDGE'S BOND APPROVED

Salt Lake Assay Office Will Be Opened to Receive Bullion Early Next Week.

J. U. Eldridge, jr., assayer at Salt Lake City, received word from Washington yesterday notifying him that his bond had been approved and directing him to take charge of the office. Today Mr. Eldridge will make a tour of inspection of the assay office, and will also name the other members of the office force from the civil service lists. The staff will be organized before the office is opened to the public and it is probable that bullion will be received early next week.

JUDGMENT IS UPHELD.

Supreme Court Affirms Awarding of Damages for Shrinkage in Sheep.

The supreme court in an opinion written by Chief Justice Straup, the other justices concurring, affirmed the judgment obtained by John S. Houtz against the Union Pacific Railway company for \$2,416 loss by shrinkage in a shipment of sheep. The case was before the supreme court once before, when the railway company obtained a verdict and the supreme court, on Houtz's appeal, ordered a new trial. Houtz shipped a number of sheep at Soda Springs to be carried to Omaha. The shipment was delayed at Schuyler, Neb., for seventy-two hours, during which time the sheep lost in weight and there was also a drop in the market prices. The judgment was obtained in Judge J. A. Howell's court in Ogden.

6% Interest and Double Security

Have you \$100 or \$100,000 net earning at least 6 per cent net per annum? Our mortgage certificates will give you an income of 6 per cent net. We pay the interest monthly, quarterly, or semi-annually, regardless of whether times are good or bad. They assure you a steady income at all times. Double security (1) our \$350,000 guarantee and (2) Salt Lake real estate, worth double the amount of your certificate. Can you get better security?

SALT LAKE SECURITY & TRUST COMPANY
32 Up, Main St.

HOT SHOTS FOR BOARD OF WORKS

Councilmen Indulge in Popular Diversion at Committee Meetings.

The cars of the members of the city board of works would have tingled had they known what members of the city council were saying about them at the meeting of the committee of the council last evening. First came the reports that the intercepting sewer was falling in. Then there were references to an inspired attack on the council and the city engineer in one of the "American" party organs. On top of these came in reports of holes, bad holes, in the pavement, made by public service companies and allowed to be filled with dirt and to remain that way by inspectors under direction of the board of works.

One of these holes is at the corner of West Temple and Second South streets; another is in front of Walker Bros. dry goods store on Third South and Main streets; another is in front of the building between Main and West Temple streets, and the worst is along most of the length of Third South between Second and Main streets. In the latter hole a milk wagon was mired to the hubs last week, and in other places wagons have stuck.

Street Supervisor Jake T. Raleigh grumbled to the committee on streets that these places would now have to be fixed out of his next year's appropriation which the board of estimates now sitting has cut down from \$145,000, which he asked for, to \$112,000. There was no remedy for Raleigh, however, and he could only take it out in a grumble of large size at the incapacity of the board of works inspectors.

Raleigh made a further report to the committee to show the incapacity of the board of works inspectors. He said he had opened a culvert at the corner of South Temple and Ninth East, from which there had been many complaints of choking up. In this culvert he found a number of concrete forms and several six-foot planks. These had been left there when the culvert was closed and the inspectors had failed to see them.

The engineering committee decided to recommend that part of the test of the macadam pavement be made on one side of Tenth East between Second and Third South streets.

Some residents of Eleventh avenue appeared before the engineering committee and asked for a street fifty feet wide but the grade is too steep to permit of such a cut and they will scarcely get it.

RECEIVER OUTLINES REORGANIZATION PLAN

Advices Strongly Against Permitting Mullett & Co. to Be Declared Bankrupt.

J. W. Edmunds, receiver for George Mullett & Co. in making a statement of the affairs of that company, recommends that the company be not declared bankrupt, but that a reorganization be made, with some officers of the Utah Savings & Trust company in the directorate, since that bank took an interest in the company by having guaranteed the payment of certain liabilities at the time F. A. Slade and M. Crane bought out the Davis and Mullett interests.

Last year's business, says the receiver, was very encouraging, showing profits of nearly \$50,000. He believes the company, under a new management, which is proposed as follows, can go ahead successfully, and that creditors can be paid: F. A. Slade, president; M. M. Crane, vice president; J. W. Edmunds, secretary and general manager; Heber M. Wells, treasurer; and W. M. Perry, to act as a directorate.

The receiver suggests that the creditors accept notes payable in three installments—six months, twelve months and eighteen months at 6 per cent interest. He asks for views from creditors. By that means the firm can discount future invoices and swing the business with the amount of cash on hand coming from the special sale held early this month, which he now holds in trust for creditors. His statement follows:

Assets.	
Cash on hand	\$ 7,844.77
Cash in bank	69.88
Accounts receivable	19,372.81
Merchandise, as per inventory	112,529.59
Furniture and fixtures	7,331.89
Horse and wagon	100.00
Total	\$145,639.01
Liabilities.	
Accounts payable	\$ 56,730.25
Bills payable	19,000.00
Capital stock issued	\$45,000.00
Surplus	27,808.72
Total	\$145,639.01

LOCAL BRIEFS

MR. AND MRS. HUGH PARK received word last evening of the death of their grandchild, Ella Elizabeth, the little year-old daughter of Dr. and Mrs. Kenneth C. Park. Dr. and Mrs. Park are well known here, having lived here for many years. Their home now is in San Jose.

BY FAR THE LARGEST attendance of the season was at the Auditorium roller skating rink last evening, the occasion being the "Merry Widow" party on roller skates. There were about 1,200 persons in the big building and more than 1,000 pairs of skates were in use when the grand march took place at 9:30.

THE PHILLIPS BOYS' CLUB will give an entertainment at 8 o'clock this evening at Phillips Congregational church.

THE MEETING of the Genealogical society announced for today is postponed one week on account of the death of John Nicholson.

DESERT CAMP NO. 46, Woodmen of the World, held a meeting last evening which was largely attended.

FRANK R. STEPHENS will address the members of the University club and their friends on the Des Moines plan of city government this evening at 8 o'clock.

A MEETING of all members and stockholders of the Salt Lake Automobile club will be held at the Commercial club this evening at 8 o'clock. The purpose is to make a state organization and to change the articles of incorporation to read "The Automobile Club of Salt Lake." All automobilists, whether members of the club or not, are invited to be present.

Zion's Savings Bank & Trust Co. Transacts a general trust business and pays 4 per cent interest on savings deposits. Joseph F. Smith, president; Anthony H. Lund, vice president; O. C. Beebe, cashier.

HEALTH CHEAPER BY HEROIC WORK

Man Saved From Overdose of Morphine After Hours of Labor.

With a pain-racked body and his flesh lacerated under a thousand stinging blows, Clifford Whalen lies in the Emergency hospital this morning, thankful for the punishment that in itself would have sent other men to the grave. It was through that punishment, however, and that lasted more than eight hours, and which consisted of the constant application of an electric battery and the cutting down of his open wounds and wet towels lashed with all the strength of the sturdiest of the police force, that Whalen survived.

Whalen was first discovered in his room, No. 30 at the Lincoln house, on East First South street, shortly before 3 o'clock, stupified and evidently in the last stages of morphia poisoning. He was removed to the Emergency hospital, where he was taken to the room summoned, awaited his arrival, and it was just a few minutes past 3 o'clock when the work of resuscitation was begun. Dr. Steele, aided by Lieutenant Hemphill, Chief of Police Detectives Sheets, Jailer Ripley and a number of the patrolmen, kept up his work until about 11:20 o'clock last night, before he regained consciousness to any degree that marked his life.

The case, as learned from Whalen himself, and from what is known of him, had its unusual phase. There was no reason for Whalen's taking the dose of morphia, but to alleviate the pain resulting from a combination of rheumatism, tonsillitis and an infected hand.

According to Whalen's story, he arrived in Salt Lake Sept. 9 from Ogden, and has since lived at various rooming houses in the city, but has been unemployed. About two weeks ago he rented a room at the Lincoln house, giving his name there as John Morris. Recently he engaged in a fight with a man, fracturing the knuckles of his left hand in a blow struck at his opponent. From this injury a mild form of blood poisoning set in, and this became complicated with an attack of tonsillitis followed by rheumatism. Low in finances, and unable to procure proper treatment, he followed the suggestion of Officer Kast to call on Dr. Paul, and was given a dose of morphia to enable him to sleep at night, and the further use of this was forbidden.

Whalen, however, as he said last night, felt the pain unbearable Wednesday night and after having gone to bed about 8 o'clock in the grade he lay awake suffering until nearly 4 o'clock in the morning, he had taken four one-eighth-grain tablets of morphia. This, it proved, was too much for him.

Adjoining roomers said yesterday that they had heard him groaning, but it was not until John Hein of the Lincoln house entered the room yesterday afternoon that the serious nature of Whalen's condition was discovered. The groaning was of those administering to him, and the use of stimulants for several hours, Whalen's life seemed to be a lost hope. It was only after he began to show that he felt the blows showered upon him and the stinging of the electric battery by the patrolmen, that he began to show signs of life. When he began to turn upon Jailer Ripley with a show of fight, and when he told what he thought of Ripley in choice language, he was considered "out of the woods," and Ripley went after him harder than he had before.

Although in a rambling and disconnected manner Whalen said last night that his father lived on Market street in Louisville, Ky., and that his own home was in New Albany, Ind. He said of his father that he was an enlisted man in company B of the Fifteenth United States infantry while that regiment was stationed at the Presidio, but that he had bought his discharge and did not serve his full enlistment. From California he came to Ogden, where he worked for a time for the Southern Pacific for over four months, leaving that employment Sept. 7, and coming to Salt Lake two days later.

Whalen admitted that he had been known at the Lincoln house as Morris, but gave no explanation for the use of a fictitious name.

INTERESTING POINT RAISED

Railroad Questions Right of Traveler on Construction Car to Collect Damages.

J. F. Howell's action against the San Pedro, Los Angeles & Salt Lake Railway company for \$100,000 damages for personal injuries was begun before a jury in Judge Armstrong's division of the district court Thursday. Howell was on a train bound for Salt Lake, February 22. At Las Vegas he was informed that washouts beyond Moses would prevent the train from going any further. In spite of this he reached within ten miles of Caliente by hand car, construction trains and on foot. When he was stopped a temporary bridge was placed for the construction train, which he boarded, but it was not strong enough and the train was thrown off. Howell was badly injured. He was taken to Minto on a hand car and brought in to Salt Lake by train.

The railway company contends that not a passenger, but was there by sufferance. It will be for the jury to decide whether or not he was a passenger and entitled to the rights of such.

McCoy's, livery carriage and light livery. Both phones 81.

MR. AND MRS. RICHARD SAVAGE of this city returned yesterday from an extended tour in the east.

Spend a dime for a package of

Black Vanut Taff

The new Craftsman Guild confection. It will make you our friend for life.

SCHRAMM'S

WHERE THE CARS STOP

Candy Shopp.

JANUARY BRINGS RUSH FOR BUILDING PERMITS

For the first twenty-eight days of January the building permits have reached a total in value of \$361,000, which is more than ten times what it was in January, 1908. The number of permits issued has increased in about the same proportion. There were there no many cottages and homes ranging about \$5,000 and \$6,000. The larger buildings in the month's list include the Vermont building, \$165,000; the Brown apartments, Third East and South Temple, \$25,000; the Kuster apartment, Fifth East, between Third and Fourth South, \$25,000; office and warehouse of the Utah Lumber company, \$25,000.

REALTY DEALS HINGE ON ACTION OF LEGISLATURE

Threat of Prohibition Is Doing State Incalculable Harm, Declares E. F. Colborn.

Judge E. F. Colborn, who represents the Newhouse interests in Newhouse Park addition, states that the improvements there are progressing. But Judge Colborn adds, that the prohibition movement is mitigating against activity in the realty line.

"The threat of prohibition," said Judge Colborn, "is doing the state incalculable harm. I have now on foot a number of deals that are being held in abeyance pending the decision of the legislature on the liquor question. If prohibitory legislation is passed, the deals, in all likelihood, will be called off, and just so far will the progress of Salt Lake City be hindered. There never was a time that this city and state had such a favorable opportunity to move ahead, and it is to be hoped that no legislation will be passed to retard the progress of the city."

It is rumored that the Real Estate association, at its meeting on Saturday night, will among other things, take up the question of prohibition. What will be done is not known, but the association may take action either pro or con. It is the general belief that the real estate men will go on record on the question.

MANY AGAINST SEGREGATION

Carey Act Projects, Embracing Many Acres in This State, Meet With Much Opposition.

The state board of land commissioners has been engaged all this week in hearing protests against the segregation of large tracts of arid lands under the Carey act. The applications which have been protested will cover approximately 250,000 acres in Emery county between Green River and Stinking Water, and in the valley. The most important of these applications are those made by the Green River Land & Water company, Protectors of C. McKelvey, V. C. Ward and Charles H. Aldrich against these were denied, but there are many others yet to be heard.

Some of those who have protested are applying for parts of the same lands and the board has granted extensions of time for annual payments of over \$50,000 on land sales until Nov. 1, 1909, until the state will demand 5 per cent interest for the extension.

SUES FOR DAMAGES.

Railway Engineer Wants Pay for Permanent Injuries Received.

For permanent injuries which, he says, totally incapacitated him from any sort of manual labor, Mike D. Gibson, a railway engineer, has brought suit in the district court against the Oregon Short Line railroad for \$10,000 damages.

Gibson was an employee of the Rio Grande Western on May 6, 1907, and hauled a train of cars from the Rio Grande lines to the yards of the Short Line. There an Oregon Short Line train failed to see his lights and ran into his engine. He was permanently injured, and has been out of trouble for four inches below the knee, and many other injuries being received about the body.

S. D. Evans, Undertaker and embalmer, removed to new location, 48 South State street.

HYOMEI

The Only Remedy That Reaches the Spot and Kills the Catarrh Germs.

Catarrh is an inflammation of the membrane of the nose, throat or mouth. This inflammation is caused by germs which dig into the membrane and cause a constant irritation. If not destroyed, catarrh germs increase and multiply.

All modern scientists agree that in order to drive catarrh from the system the germs must be killed.

To get an antiseptic strong enough to kill the germs and destroy the tissues of the membrane at the same time, has been a problem which was never solved until the discovery of Hyomei (pronounced High-o-mey) the Australian dry cure.

Hyomei is prepared from eucalyptus, the most powerful, yet healing, antiseptic known to mankind. Pour a few drops into the little hard rubber pocket inhaler, breathe it in over the inflamed and germ-ridden membrane four or five times a day, and in a few days the germs will disappear.

The inflamed condition will go, too, and the sniffling, hawking and offensive breath, and the discharge of mucus and crusts in the nose will cease.

Then why should any catarrh sufferer hesitate, when F. C. Schramm has such implicit faith in Hyomei, and offers to return your money if after a fair trial Hyomei doesn't cure catarrh?

A complete Hyomei outfit, including the inhaler, costs \$1.00, and extra bottles, if afterwards needed, cost but 50 cents. Hyomei also cures asthma, croup, sore throat, coughs, colds or grip.

"HYOMEI" sold in every town in America.

HOLD-UP MEN PLEAD GUILTY

Long Sentences Await Leland and Goldberg, Who Confessed to Robberies.

Frank Leland and Ike Goldberg seem to be in a fair way to reap the whirlwind about as rapidly as it was sown by them. Beginning a series of highway robberies last Saturday night, which had a spectacular finish Monday night, when, after they had held up three youths, they were captured a couple of hours later while attempting to board a fast freight at Beck's switch, the two thugs hastened their sure punishment by pleading guilty before Judge Bowman yesterday to the charge of robbery. They were bound over to the district court in the sum of \$2,000 bail, and it is expected that their case will be called in that court within a few days. Judging from the precedent established in the case of highway robbery, their sentence will be twenty years.

Although Leland and Goldberg are suspected of having participated in eight hold-ups within four nights, and gold watches and money taken from three of their victims were found in their possession, but one complaint was filed against the pair, charging them with holding up and robbing CHIEF Phil. Flint was the second victim in the Tuesday night robberies, giving up \$5.50 to Leland and Goldberg.

After their capture Tuesday night, which followed an exciting chase on the part of the police, and in which a switch engine was used, Leland and Goldberg confessed that they had committed the crimes charged against them and professed their readiness to plead guilty. They carried this out yesterday, but with something of a defiant air, and with much the same spirit of bravado shown while being searched and booked Tuesday night.

After their hearing they were removed under guard to the county jail, where they will await their hearing in the district court.

Charles Weekland, J. M. Caulfield, T. J. Stone and Frank Rogers, the four men arrested in company with Leland and Goldberg, were found, after investigation, not to have been implicated in the robberies, and under vagrancy charges were yesterday afternoon given floats and ordered to leave the city by 5 o'clock in the afternoon.

APPRECIATION OF GOVERNOR

Chief Executive Thanks Committee for Magnificent Success of the Inaugural Ball.

In appreciation of the work of the committee which had charge of the arrangements for his inaugural ball at the Odeon, Jan. 25, Governor William Spry has sent a letter of thanks to Colonel George B. Squires, in whose hands was left much of the detail. The governor says: "My Dear Colonel: I take this opportunity of conveying to you and the members of the committee the sincere thanks of Mrs. Spry and myself for the honor done us on the evening of Jan. 25. There was nothing left undone that could have been done to add to the magnificent success of the inaugural ball, and Mrs. Spry and myself appreciate to the fullest the efforts of yourself and fellow members of the committee."

"We shall ever regard that event as one of the most pleasing occasions of our lives, and, in reflecting on the joy of the occasion, we shall always feel grateful to you who did so much toward making it the success we saw. Again thanking you, I am, cordially yours, "WILLIAM SPRY, Governor. "Jan. 27, 1909."

WEATHER CLEAR AND COLD.

Present Conditions Expected to Continue Several Days.

Fair and colder is the forecast for today. The storm which struck this city Wednesday night has moved eastward, leaving a clear field for the cold wave. The thermometer took a drop yesterday morning and at 6 o'clock registered 24 degrees above. The maximum for the day was 43 degrees above.

The temperature has fallen west of the Rocky mountains and places which have been enjoying warm weather for a week past are now suffering from exceedingly cold weather. In the eastern states the temperature has risen and pleasant weather is being had throughout the central and Atlantic coast states. The New England states, too, are having somewhat warmer weather.

For Utah and surrounding states cold weather is promised and will probably continue for several days. On all the paved streets of the city there is a thin coating of ice and teamsters met with no end of trouble last evening in keeping their horses on their feet.

The cold wave will give the power companies an opportunity to repair their broken pipe lines which were damaged by the recent thaw.

Temperature at 5 p. m., 25 degrees; maximum temperature, 35 degrees; minimum temperature, 22 degrees; mean temperature, 25 degrees, which is 2 degrees below normal. Total excess since the first of the month, 58 degrees. Precipitation at 5 p. m., .20 inch. Total precipitation since first of the month, 2.70 inches, which is 1.50 inches above normal.

Kodak Finishing. Salt Lake Photo Supply Co., 142 Main.



A health-building drink Nutritious and delicious

Boys' Suits and Overcoats 33 1-3 Off

That means the pick of all that remains of our entire winter stock (including many medium weights).

Suits and Overcoats for boys of all ages.

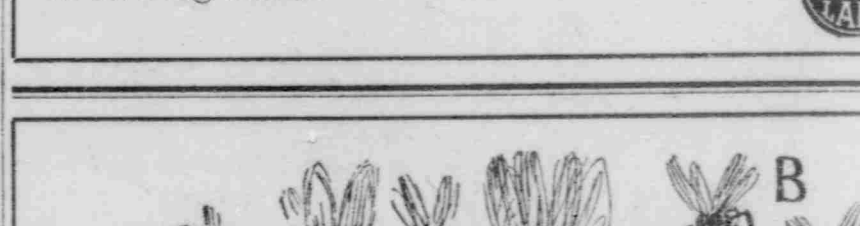
A Big Lot of Youths' Overcoats Half Off

Siegel's
228-230 MAIN.

The Royal Purple Box

Full of Quality Candy

At All Drug Stores.



BEES ARE WISE THEY SAVE THEIR HONEY, LET US BEE WISE AND SAVE OUR MONEY.

The biggest shoe manufacturer of Boston was a shoemaker at the bench in Golden Colorado less than forty years ago. He SAVED the little 25-cent pieces he got for patching shoes and put them in the bank. He has spent millions of dollars just for advertising and is worth millions today.

We will pay you four per cent interest on the money you put in our bank and compound the interest every six months.

Utah Savings & Trust Co.
No. 235 MAIN STREET. In the Business Heart.

GOLD MEDALS FOR STUDENTS

Salt Lake Council No. 601, Knights of Columbus, Adopts Plan to Promote Patriotism.

Salt Lake Council No. 601, Knights of Columbus, has decided to award annually two gold medals, one to be competed for by the students of All Hallows college, and the other to be competed for by the students of St. Mary's academy. This action is along the lines followed by the Society of the American Revolution and other organizations, with a view to interesting students in the study of historical and patriotic subjects, as well as for the purpose of encouraging them to become familiar with the work of the order.

The medal to be competed for by the students of All Hallows college will be awarded at the close of the school year, when the other medals are held. The students competing for the medal will be required to write and deliver an original oration, dealing with some subject pertaining to the life and work of Columbus, or with the history, progress or aims of the Knights of Columbus. Thus the students will be given a wide range of historical and patriotic subjects, and it is felt that considerable interest will be aroused in the study of American history and that the students competing will derive great benefit, not only from a literary point of view, but from the patriotic point of view. The mode of conducting the competition and the selection of judges will be left in the hands of the president of the college. In the matter of selecting judges, however, the president will probably select these from the members of the Knights of Columbus, as yet nothing definite has been agreed upon, but undoubtedly some plan similar to that to be followed by the college will be adopted by the academy.

SMALLPOX PATIENTS.

Fourteen New Cases in Various Parts of the City.

Fourteen new cases of smallpox were reported to the city board of health yesterday. The cases are said to be of mild type, but are scattered. The victims are: Tom Nevels, Salvation Army; Earl Pond, Bingham Canyon; Mrs. J. Schanz, 1558

OUR CALIFORNIA ASPARAGUS MADE A HIT YESTERDAY

Our first offering of this selected bleached white stock

At 25c a Large Can

was the vegetable treat of the season, and many wise housewives availed themselves of the opportunity. Place your order early today.

UNITED GROCERY CO.
WHOLESALE AND RETAIL
Phones 966